INDIGENOUS FACILITATION AND MEDIATION PROJECT
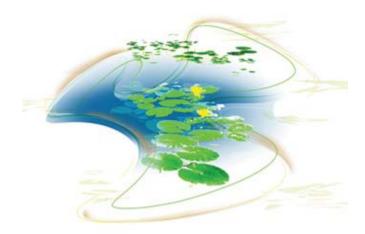
**AUSTRALIAN INSTITUTE OF ABORIGINAL AND
TORRES STRAIT ISLANDER STUDIES**

Culture, Conflict Management and Native Title:

An Emerging Bibliography

Compiled by:
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and Toni Bauman**

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Australian Institute of Aboriginal
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Culture, Conflict Management and Native Title: An Emerging Bibliography, Indigenous Facilitation and Mediation Project Report

Sally Brockwell, Kitty Eggerking, Rebecca Morphy and Toni Bauman

The views expressed in this publication are those of the authors and not necessarily those of the Australian Institute of Aboriginal and Torres Strait Islander Studies.

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Introduction

Research into decision-making and conflict management processes and the role 'culture' plays in such processes is assuming increasing importance globally. This is particularly the case in Australia, given that the emphasis of the amended *Native Title Act 1993* is on agreement-making and maximising 'outcomes' through non-adversarial and collaborative alternative dispute resolution mechanisms such as mediation and facilitation.

The Indigenous Facilitation and Mediation Project (IFaMP) in the Native Title Research Unit at the Australian Institute of Aboriginal and Torres Strait Islander Studies commenced in July 2003. *Culture, Conflict Management and Native Title: An Emerging Bibliography* has been researched by various IFaMP staff intermittently since then.

The bibliography provides a broad range of references and some practical resources concerning culture, decision-making, conflict management and native title in Australia. It locates IFaMP's research within both international and Australian research. Where possible, internet links are provided for publications which can be downloaded.

The bibliography is organised in six sections as follows:

1. Culture, conflict and communication
2. General alternative dispute resolution
3. Indigenous specific alternative dispute resolution
4. Australian native title mediation and practice issues
5. Useful internet bibliographic links
6. Audiovisual resources

It has not been possible to cover the entire research terrain and IFaMP wishes to apologise for any significant omissions.

> *If you find significant omissions in this bibliography, please contact IFaMP at ifamp@aiatsis.gov.au with the relevant details and we'll add the reference to our bibliography on our website: www.aiatsis.gov.au/rsrch/ntru/ifamp/index.html.*

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http://www.geocities.com/Athens/Acropolis/7001/solon_di.htm

Agreements, Treaties and Negotiated Settlements (ATNS) Project.
http://www.atns.net.au

Alternative Dispute Resolution. Publications.
http://www.cle.bc.ca/CLE/Publications/browse?practiceAreaMessage=trueandpracticeArea=ADR

Archie Zariski's Conflict and Dispute Resolution Links Department of Law,
Murdoch University, Perth.
http://law.murdoch.edu.au/academics/zariski/bookmark/adrbook.htm

Asia-Pacific Mediation Forum, JDR/ADR Bibliography.

http://www.unisa.edu.au/cmrg/apmf/biblio.htm

Asia Pacific Mediation Forum. 2003 Conference Papers.
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Association for Conflict Resolution. http://www.acrnet.org/publications/index.htm

Australasian Legal Information Institute: Indigenous Law http://www.austlii.edu.au/

Australian Dispute Resolution Web Site: Publications
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http://www.beyondintractability.org/iweb/

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Trust. http://www.peacemakers.ca/TAN/

Centre for Aboriginal Economic Policy Research, Australian National University:
Publications. http://www.anu.edu.au/caepr/publications.php

Centre for Conflict Resolution, University of Capetown, South Africa. Peace
Library. http://ccrweb.ccr.uct.ac.za/

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http://www.cedr.co.uk/index.php?location=/library/default.htm

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Conflict Resolution Network, Chatswood, New South Wales: Resources. Manuals, Videos, Bookshttp://crnhq.org/index.html

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http://conflict.colorado.edu/

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http://law.gsu.edu/cncr/research/papers.html

Continuing Legal Education Society of British Columbia. Publications: Aboriginal Law and ADR. http://www.cle.bc.ca/CLE/Publications/default.htm

CRInfo Book Reviews.
http://www.crinfo.org/masterresults.cfm?pid=1767&clr=666666

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Department of Peace Studies, University of Bradford, West Yorkshire, UK

Departmental Publications. http://www.bradford.ac.uk/acad/peace/pubs/pubs.htm

Dispute Resolution Centre, Kellogg School of Management, Northwestern University, Evanston, Illinois, USA. Working Papers.
http://www.kellogg.northwestern.edu/drrc/

The Harvard Project on American Indian Economic Development. Research and Publications. http://www.ksg.harvard.edu/hpaied/res_main.htm

INCORE, Ulster, UK. Conflict Data Service. Guide to Internet Resources on Mediation. http://www.incore.ulst.ac.uk/services/cds/themes/mediation.htm

Institute for Dispute Resolution, University of Victoria, British Columbia, Canada. Publications and Videos.
http://www.dispute.resolution.uvic.ca/publications/order.htm

International Association of Facilitators. Articles about what Facilitation is.
http://www.iaf-world.org/i4a/pages/index.cfm?pageid=3283

International Conflict Resolution Centre, University of Melbourne. Bibliography.
http://www.psych.unimelb.edu.au/ICRC/links/blibography.html

International Institute for Restorative Practices. Books and Videos.
http://www.iirp.org/booksvideos/index.html

Jossey-Bass Publishers. Conflict Resolution and Mediation.
http://www.josseybass.com/WileyCDA/Section/id-2982.html

Justice Institute of British Columbia Library. Conflict Resolution.
http://www.jibc.bc.ca/Libraryfiles/main/Find/BibliographiesSubject.htm#CONRES

LEADR New Zealand. Miscellaneous Articles.
http://www.leadrnz.co.nz/index.cfm/Articles/Miscellaneous_articles/index

Mediate.com: Articles Library. http://www.mediate.com/articles/index.cfm

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about Community Justice Centres*. Victoria, British Columbia: Institute for Dispute
Resolution, University of Victoria. Read a review:
http://www.peacemakers.ca/TAN/BoskeyReviewsM-R1988to1995.html#MR31

National Mediation Conference (Australia). Abstracts and papers from the 5th
conference.
http://www.ausdispute.unisa.edu.au/conference2000/2000ConfPapers.htm

Papers of the 6th conference. http://www.leadr.com.au/contents.html

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http://pandora.nla.gov.au/pan/42957/20050118/www.mediationconference.com.au/h
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Islander Studies: Publications. http://www.aiatsis.gov.au/rsrch/ntru/index.html

National Native Title Tribunal: Information and Publications.
http://www.nntt.gov.au/publications/index_pubs.html

Northern Territory Government. Building Effective Indigenous Governance.
Conference Papers.
http://www.nt.gov.au/cdsca/indigenous_conferee/web/html/papers.html

Peace Research Foundation. Global Peace Survey.
http://www.peaceresearchfoundation.org/globalpeacedirectory2.asp

Program on Negotiation at Harvard Law School Clearinghouse.
http://www.pon.org/catalog/index.php

Relationships Foundation. Resources. http://www.relationshipsfoundation.org/

Sanda Kaufman's Conflict Management Web Resources.
http://urban.csuohio.edu/~sanda/conflict.htm

Track Two. Quarterly publication of the Centre for Conflict Resolution and the Media Peace Centre, South Africa. Archives.
http://ccrweb.ccr.uct.ac.za/archive/two/index.html

Union of British Columbia's Municipalities (UBCM) CivicNet BC. Resources available from UBCM on Aboriginal Issues.
http://civicnet.bc.ca/siteengine/ActivePage.asp?PageID=10&bhcp=1

United States Office of Personnel Management. Alternative Dispute Resolution: A Resource Guide. http://www.opm.gov/er/adrguide_2002/

University of Peace. Peace and Conflict Resolution Journals.
http://www.upeace.org/resources/online.cfm?id_category=8andid_resource=1

UNPAN Technical Project Highlights. Conflict Management Resources Collection.
http://www.unpan.org/technical_highlights-conflictdatabase.asp

6. Audiovisual Resources

After Mabo 1997. Directed by John Hughes. 84 minutes. Read a summary:
http.//www.roninfilms.com.au/video/1871945/0/2395132837

Black to the Promised Land 1992. A Film by Madeline Ali. 97 minutes. Read a summary: http.//www.frif.com/cat97/a-e/btpl.html

Mabo - Life of an Island Man 1997. A Film by Trevor Graham. 87 minutes. Read a summary: http.//www.frif.com/new98/mabo.html

Man without Pigs 1990. Directed by Chris Owen. 59 minutes. Read a summary:
http://www.roninfilms.com.au/video/search=conflict+resolution/0/1832234

Land Rights Views 2002. Darwin: Northern Land Council. 12 minutes.
http://www.nlc.org.au/html/wht_pub.html

Mediation: An Introduction 1996. By Michael Gibson, Bob Murphy and Tim Leary.
Toronto, Canada: MacKenzie Group International, MGI Film and Television.
Videocassette 20 minutes. Read a summary and reviews:
http://www.sfhgroup.com/video_review.asp

Native Title Stories. Rights, Recognition, Relationships 2004. Perth. National Native
Title Tribunal (NNTT). DVD and VHS 37 minutes. To order contact the NNTT on.
http://www.nntt.gov.au/metacard/multimedia.html or 1800 640 501.

Nice Weather, Mr. Pradhan! 1989. A Film by Hans Heijnen. 28 minutes. Read a
summary: http.//www.frif.com/cat97/k-o/nice_wea.html

Night Patrol 1997. Directed by Pat Fiske and Valerie Napaljarri Martin. National
Indigenous Documentary Fund. Read a summary:
http://www.roninfilms.com.au/video/search=conflict+resolution/0/1832143

Plead Guilty, Get a Bond 1991. Directed by Peter Maguire. 30 minutes. Read a
summary:
http://www.roninfilms.com.au/video/search=culture+and+conflict/30/1832275

*The "Purple" House Conversations: A Demonstration of Transformative Mediation
in Action.* Grand Forks, North Dakota: Institute for the Study of Conflict
Transformation. University of North Dakota. VHS and DVD 2 hours 26 minutes.
http://www.transformativemediation.org/publications.htm#Videos

Simmons Funeral Home 2003. The Stitt Feld Handy Group. 70 minutes.
http://www.sfhgroup.com/books.asp

Since the Company Came 2000. Directed by Russell Hawkins. 52 minutes. Read a
summary:
http://www.roninfilms.com.au/video/search=conflict+resolution/0/1954474529

Skin Deep 1995. Producer/Director. Frances Reid. 53 minutes. Read a summary:
http://www.newsreel.org/films/skindeep.htm

Small Island – Big Fight 2000. Film Australia. 24 minutes. Read a summary:
http://www.filmaustralia.com.au/programs/default.asp?content=search

Talk About It. A video about mediation for Aboriginal and Torres Strait Islander Communities. Presented by the Community Justice Programme, Queensland Department of the Attorney-General. For more information contact. 1800 017 288.

Terramungamine Reserve Agreement 2003. Sydney: National Native Title Tribunal.Videocassette (VHS) 10 minutes.
http://www.nntt.gov.au/metacard/1056525062_328.html

Thomson of Arnhem Land 2000. Directed by John Moore. A Film Australia National Interest Program. 55 minutes. Read a summary:
http://www.frif.com/new2001/thom.html

Whiteys like Us 1999. Directed by Rachel Landers. 52 minutes. Read a summary:
http://www.roninfilms.com.au/video/1871945/60/1832365

Working it Out 2000. Directed by Anne Bourke. 28 minutes. Read a summary:
http://www.roninfilms.com.au/video/search=conflict+resolution/0/2393214149

The Indigenous Facilitation and Mediation Project (IFaMP) is located within the Native Title Research Unit at the Australian Institute of Aboriginal and Torres Strait Islander Studies.

Broad aims of the Project include:

- the identification of best practice in facilitating Indigenous decision making and managing disputes in native title which builds on existing Indigenous processes, practices and skills;
- raising awareness of the need for procedural expertise and skills and long term relationship building; and
- promoting the development of panels of regionally-based Indigenous facilitators and mediators who are supported and mentored appropriately, and who are effective in native title.

For further information contact www.aiatsis.gov.au\ifamp.htm

This Report is Number 4 in a series of IFaMP publications. It provides a broad range of references relating to culture and conflict management, with a particular focus on native title in Australia. It is a unique and valuable resource not only for native title practitioners, but also for alternative dispute resolution practitioners more broadly.

A full web version of this report is available at: www.aiatsis.gov.au/ifamp.htm

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